



City of Seattle

Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 3011461
Contact Person: Katherine Orni
Address of Proposal: 6765 41st Ave SW

SUMMARY OF PROPOSED ACTION

Land Use Application to allow the removal of three Black Locust, four Cherry Laurels and 22,000 sq. ft. of non-native invasive plant species in an environmentally critical area. Project includes Revegetation Management Plan with native species in response to Case No. 1019134.

The following approval is required:

SEPA - Environmental Determination – (Chapter 25.05, Seattle Municipal Code).

SEPA DETERMINATION: ☐ Exempt ☒ DNS ☐ MDNS ☐ EIS
☐ DNS with conditions
☐ DNS involving non exempt grading or demolition or
involving another agency with jurisdiction.

BACKGROUND INFORMATION

Site Location: The site is a residential property located at 6765 41st Ave SW.
Zoning: Single Family 7200 (SF 7200).
Parcel Size(s): The parcel size for this property is 26,040 square feet.
Existing Use: This property is currently developed with a single family residence.

Zoning in the Vicinity: The zoning in the vicinity is SF 7200.

Use in the Vicinity: The development in the vicinity consists of single family residences.

Proposal

Land Use Application to allow re-vegetation of a 22,000 sq. ft. area in an environmentally critical area. Project includes vegetation restoration plan.

Public Comments

Notice of application was sent on August 5th, 2010. No public comments were received through the public notice process.

ANALYSIS - SEPA

The proposal is located in a landslide-prone environmentally critical area and therefore the application is not exempt from SEPA review. However, SMC 25.05.908 provides that the scope of environmental review of projects within critical areas shall be limited to: 1) documenting whether the proposal is consistent with the City's Environmentally Critical Areas (ECA) regulations in SMC 25.09; and 2) evaluating potentially significant impacts to the critical area resources not adequately addressed in the ECA regulations. This review includes identifying additional mitigation measures needed to protect the ECA in order to achieve consistency with SEPA and other applicable environmental laws.

The initial disclosure of the potential impacts from this project was made in the environmental checklist prepared on July 23rd, 2010. The information in the checklist and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

SMC 25.09.080.B.3 of the SMC 25.09, Regulations for Environmentally Critical Areas, states, "Removal of, clearing, or any action detrimental to trees or vegetation in landslide prone critical areas is prohibited, except as provided in this section and Section 25.09.320." In order to mitigate for unauthorized tree removal addressed in Critical Area Notice of Violation file number 1019134, the applicant has submitted an Environmentally Critical Area Restoration plan conforming to requirements in SMC 25.09.320.A

The Department of Planning and Development has analyzed the environmental checklist submitted by the project applicant, and reviewed the project plans and any additional information in the file, including a geotechnical report and revegetation plan, and determined that this action will not result in significant adverse impacts to the environment.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and certain neighborhood plans and other policies explicitly referenced, may serve as the basis for exercising substantive SEPA authority. The Overview Policy states, in part, "Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are

adequate to achieve sufficient mitigation” subject to some limitations. Under certain limitations or circumstances (SMC 25.05.665 D) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate. Short-term and long-term adverse impacts are anticipated from the proposal.

Short-term Impacts

In order to mitigate for unauthorized tree removal in the environmentally critical area and provide additional native vegetation restoration, the applicant has submitted an Environmentally Critical Area revegetation plan conforming to requirements in SMC 25.09.320. This revegetation plan specifies removal of non-native vegetation, followed by planting 32 native trees, 105 native shrubs, and extensive groundcover throughout the landslide-prone area. Also pursuant to this section, the applicant submitted a geotechnical report prepared by Geo Group Northwest, Inc., dated November 16th, 2010. This report evaluates the geologic conditions and stability of the landslide-prone area. This report and associated plans have been reviewed by a DPD staff geotechnical engineer who has concurred with the information and conclusions in the geotechnical report. The geotechnical report notes that the area in which the trees were initially cut without DPD approval is currently stable and has nearly completely revegetated by natural regrowth. The geotechnical report recommends adding native plants, as depicted on the revegetation plan provided by the applicant.

Site preparation for planting native trees, shrubs, and groundcovers is expected to cause minimal temporary impacts on the identified environmentally critical area. This activity may expose soil leading to increased soil erosion and sedimentation until the new vegetation is adequately established on site. Due to the temporary nature and very limited scope of these impacts, they are not considered significant (SMC Section 25.05.794). Several adopted codes provide mitigation for the identified impacts. The Stormwater, Grading and Drainage Control Code (SMC Chapter 22.800) requires that soil erosion control techniques be in place for the duration of the land disturbing activities. The Regulations for Environmentally Critical Areas (SMC Chapter 25.09) regulates activity within designated ECA areas. Compliance with these applicable codes and ordinances will reduce or eliminate these short-term impacts to the environment. Therefore, no further conditioning pursuant to SEPA policies is warranted.

Long-term Impacts

A possible long-term impact anticipated as a result of this proposal would be adverse impacts from slope failure or soil erosion control if vegetative cover is not continually protected. The revegetation plan specifies 5 years of monitoring and maintenance of the installed vegetation along with plant survival targets and contingencies. Further, SMC 25.09.080 B.3 prohibits removal of, clearing, or any action detrimental to trees or vegetation in landslide prone critical areas unless done in accordance with a revegetation plan, as provided in Section 25.09.320. The prescribed maintenance and monitoring, and regulatory protection of the vegetation is expected to eliminate possible long-term impacts related to vegetation or other land disturbing activity on the on the landslide-prone area. Therefore, no additional conditioning is warranted pursuant to SEPA policies.

DECISION - SEPA

The responsible official on behalf of the lead agency made this decision after review of a completed environmental checklist and other information on file with the department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

CONDITIONS – SEPA

None required.

Signature: (signature on file)
Seth Amrhein, Senior Environmental Analyst
Department of Planning & Development

Date: January 10, 2011